

Attachment to Independent Case Review Report  
For CDRU # 6297 Case file # 95-249356.

Material Examiner: Malone (R00)

Remarks:

Case resulted in a guilty plea, no testimony transcript.

CRM 806



Was any other material reviewed?  Yes  No

If yes, please identify and/or describe the material: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Results of Review

File #: 95-249356 Item or Specimen # Reviewed: Q1 and K1

#### Review of Laboratory Report(s) and Bench Notes:

**Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses**

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?  
 Yes  No  Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?  
 Yes  No  Unable to Determine

#### Review of Testimony:

**Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses**

Transcript not available.

- 3) Testimony consistent with the laboratory report(s)?  Yes  No  Unable to Determine
- 4) Testimony consistent with the bench notes?  Yes  No  Unable to Determine
- 5) Testimony within bounds of examiner's expertise?  Yes  No  Unable to Determine

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Comments

(Set forth by above question #, if applicable.  
Use "Additional Comments" Sheet, if needed)

File #: 95-249356


1. The comparison and identification of bark is not a scientifically valid analysis. The identification of the K1 sample may have been possible, as both vines and leaves were present in the sample. However, the Q1 sample consisted only of bark (based on the notes), and an identification of the species of wood is not valid using only bark. It seems the comparison was based on "...all observable characteristics." as referenced in the report. It is my opinion that this was not a valid comparison.

2. There are no notes regarding the microscopic characteristics of specimen K1, and the only macroscopic characteristic cited is color. A copy of reference material is included in the notes taken from "Selected Weeds of the United States". The notes do not provide any information that allow the identification to be made. For specimen Q1, the only notes refer to the color of the bark, which is not sufficient to make the stated association.

Review completed at: 10:04 (Time), 5/22 /03 (Date)

Total time spent conducting review (to nearest 1/4 hour): 60 minutes

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 3 pages.

 5/22/03  
(Signature) (Date)

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